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06 UNITED STATES DISTRICT COURT
07 WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

08 UNITED STATES OF AMERICA,) CASE NO. CR88-286-RSM
09 Plaintiff,)
10 v.) SUMMARY REPORT OF U.S.
11 DANIEL RAY SPELL,) MAGISTRATE JUDGE AS TO
12 Defendant.) ALLEGED VIOLATIONS
OF SUPERVISED RELEASE
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14 An initial hearing on supervised release revocation in this case was scheduled before me
15 on December 28, 2006. The United States was represented by AUSA William Redkey and the
16 defendant by William Hines. The proceedings were digitally recorded.

17 Defendant had been sentenced on or about May 5, 1989, by the Honorable Barbara Jacobs
18 Rothstein on charges of Bank Robbery (4 counts) and Armed Bank Robbery (1 count), and
19 sentenced to 180 months custody, five years supervised release. The conditions of supervised
20 release included the standard conditions plus the requirements that defendant not possess any
21 firearms, and participate in a substance abuse program. On remand, the same sentence was
22 imposed on September 28, 1990.

01 Mr. Spell was released from custody on July 5, 2002, following pre-release placement in
02 a halfway house. Following an arrest and charges of DUI, the conditions of supervision were
03 modified on April 3, 2003 to require the defendant to include 120 days of home confinement with
04 electronic monitoring and utilization of a sobriety. (Dkt. 85.) Following other problems with
05 compliance, supervision was again modified on August 14, 2003 to require up to 120 days in a
06 halfway house/comprehensive sanctions center (CSC). (Dkt. 86.) The order was modified on
07 October 9, 2003 to require CSC placement for up to 180 days. (Dkt. 94.)

08 On December 10, 2003, the defendant admitted to violating the conditions of supervised
09 release by using heroin and by failing to successfully complete the CSC placement. (Dkt. 101.)
10 Defendant was sentenced to time served and required to participate in an intensive outpatient drug
11 treatment program. (Dkt. 104.) The case was transferred to the Honorable Ricardo J. Martinez
12 on July 7, 2004. (Dkt. 107.)

13 On February 7, 2005, defendant admitted to violating the conditions of supervised release
14 by consuming alcohol on several occasions. (Dkt. 112.) The defendant was reprimanded,
15 continued on supervised release, and ordered to comply with the previously imposed substance
16 abuse testing and treatment conditions. (Dkt. 113.)

17 In an application dated November 27, 2006 (Dkt. 116), U.S. Probation Officer Michael
18 J. Larson alleged the following violation of the conditions of supervised release:

19 1. Consuming alcohol and/or other intoxicants on or before October 28, 2006, in
20 violation of the special condition requiring he abstain from the use of said substances while on
21 supervised release.

22 Defendant was advised in full as to the charge and as to his constitutional rights.

01 Defendant admitted the alleged violation and waived any evidentiary hearing as to whether
02 it occurred. (Dkt. 117.)

03 I therefore recommend the Court find defendant violated his supervised release as alleged,
04 and that the Court conduct a hearing limited to the issue of disposition. The next hearing will be
05 set before Judge Martinez.

06 Pending a final determination by the Court, defendant has been released on the conditions
07 of supervision.

08 DATED this 28th day of December, 2006.

09 
10 Mary Alice Theiler
11 United States Magistrate Judge
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13 cc: District Judge: Honorable Ricardo S. Martinez
14 AUSA: William Redkey
15 Defendant's attorney: William Hines
16 Probation officer: Michael J. Larson
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